

UPDATED INFORMATIVE DIGEST

Current regulations for Residential Care Facilities for the Elderly (RCFE) include specific reporting requirements for licensees to submit to the California Department of Social Services (CDSS) within a specified time frame for specified events taking place. Reportable events include death or serious injury of a resident, use of an Automated External Defibrillator, any incident that threatens the welfare, safety or health of a resident, epidemic outbreaks, catastrophic events and/or hiring of a new facility administrator.

The proposed regulations will enact the RCFE Residents Foreclosure Protection Act of 2011 [Senate Bill (SB) 897, (Chapter 376, Statutes of 2011)], which added Section 1569.686 to the Health and Safety Code (HSC). These regulations will expand current reporting requirements to include various events signifying possible financial distress for RCFE licensees. Licensees experiencing any of the financial distress events, such as notice of default or other indication of property foreclosure, unlawful detainer, filing of bankruptcy, or notice of intent to terminate utilities, are required to report such to CDSS, State Long-Term Care Ombudsman, residents, and their representatives within the specified time frame. Licensees are also required to report such events to potential residents and their representatives prior to admission. Upon receipt of such a report, CDSS shall initiate corrective action. A licensee that fails to report any of these events may be subject to a civil penalty.

The Community Care Licensing Division (CCLD) is proposing regulations to adopt language in the California Code of Regulations (CCR), Title 22, Division 6, Chapter 8, section 87211 compatible and consistent with the intent of SB 897 (Chapter 376, Statutes of 2011). These reporting requirements enable CDSS to address any quality of care issues that could arise in an RCFE experiencing financial distress, such as inadequate resources and/or the inability to provide appropriate staffing levels to provide care and supervision for residents. The proposed regulations will benefit residents and their families by providing advance notice of any financial distress events, thereby, allowing for the opportunity to research alternative placement and prepare residents for possible relocation. These reporting requirements provide protection to the health and safety of RCFE residents and prospective residents. The promulgation of these regulations is necessary to carry out CCLD's core function of protecting the health and safety of the vulnerable elderly population in licensed residential care.

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.